

## §213.2

## 36 CFR Ch. II (7–1–12 Edition)

(c) The National Grasslands shall be administered under sound and progressive principles of land conservation and multiple use, and to promote development of grassland agriculture and sustained-yield management of the forage, fish and wildlife, timber, water and recreational resources in the areas of which the National Grasslands are a part.

(d) In the administration of the National Grasslands the resources shall be managed so as to maintain and improve soil and vegetative cover, and to demonstrate sound and practical principles of land use for the areas in which they are located. The Chief of the Forest Service shall, to the extent such action is feasible provide that policies for management of the Federally-owned lands exert a favorable influence for securing sound land conservation practices on associated private lands.

(e) National Grasslands in the following States and counties are hereby grouped and designated as indicated:

State in which grassland is located	National grassland	Counties where located
California .....	Butte Valley .....	Siskiyou.
Colorado .....	Pawnee .....	Weld.
	Comanche .....	Baca, Los Animas, Otero.
Idaho .....	Curlw .....	Oneida, Power.
Kansas .....	Cimarron .....	Morton, Stevens.
Nebraska .....	Oglala .....	Dawes, Sioux.
New Mexico ..	Kiowa .....	Colfax, Harding, Mora, Union.
North Dakota	Cedar River .....	Grant, Sioux.
	Sheyenne .....	Ransom, Richland.
	Little Missouri .....	Billings, Golden Valley, McKenzie, Slope.
Oklahoma .....	Rita Blanca .....	Cimarron.
Oklahoma-Texas.	Black Kettle .....	Roger Mills (Okla.), Hemphill (Tex.).
Oregon .....	Crooked River .....	Jefferson.
South Dakota	Buffalo Gap .....	Custer, Fall River, Jackson, Pennington.
	Grand River .....	Corson, Perkins, Ziebach.
	Fort Pierre .....	Jones, Lyman, Stanley.
Texas .....	Lyndon B. Johnson	Montague, Wise.
	Rita Blanca .....	Dallas.
	Caddo .....	Fannin.
	McClellan Creek ...	Gray.
Wyoming .....	Thunder Basin .....	Campbell, Converse, Crook, Niobrara, Weston.

[25 FR 5845, June 24, 1960, as amended at 27 FR 12217, Dec. 11, 1962; 28 FR 6268, June 19, 1963; 41 FR 38164, Sept. 9, 1976; 56 FR 8280, Feb. 28, 1991]

### §213.2 Authority for Chief, Forest Service, to group, define, and name national grasslands.

The Chief, Forest Service, is authorized to group the national grasslands into administrative units, define, change or modify their boundaries, and to provide such specific designations therefor as he finds necessary and desirable for effective and economical administration thereof and for public and official reference thereto.

[33 FR 12370, Sept. 4, 1968]

### §213.3 Protection, occupancy, use, administration, and exercise of reservations.

(a) The rules and regulations applicable to the national forests as set forth in title 36, Code of Federal Regulations, or as hereafter amended, supplemented, or promulgated, are hereby adopted as the rules and regulations to govern the exercise of reservations in conveyances to the United States and to prevent trespasses on and otherwise regulate the protection, use, occupancy, and administration of the National Grasslands and all other lands administered by the Forest Service under the provisions of title III of the Bankhead-Jones Farm Tenant Act insofar as is practical and consistent with said act: *Provided*, That Forest Service officers may continue under delegated authority to acquire lands, to make exchanges, to grant easements and enter into leases, permits, agreements, contracts and memoranda of understanding involving such lands under such terms and conditions and for such consideration, fees or rentals as authorized by title III of the said Act.

(b) Existing valid rights, reservations easements, leases, permits, agreements, contracts and memoranda of understanding affecting these lands shall continue in full force and effect so long as they remain valid in accordance with the terms thereof.

[27 FR 9217, Sept. 18, 1962]

### §213.4 Prior rules and regulations superseded.

Except as provided in §213.3, the rules and regulations heretofore issued for the land utilization projects are hereby

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superseded as to all such projects administered by the Forest Service, but not as to such project lands administered by other agencies.

[27 FR 9217, Sept. 18, 1962]

### **PART 215—NOTICE, COMMENT, AND APPEAL PROCEDURES FOR NATIONAL FOREST SYSTEM PROJECTS AND ACTIVITIES**

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**AUTHORITY:** 16 U.S.C. 472, 551; sec. 322, Pub. L. 102-381 (Appeals Reform Act), 106 Stat. 1419 (16 U.S.C. 1612 note).

**SOURCE:** 68 FR 33595, June 4, 2003, unless otherwise noted.

#### **§ 215.1 Purpose and scope.**

(a) *Purpose.* The rules of this part have two purposes. First, this part establishes a process by which the public receives notice and is provided an opportunity to comment on proposed actions for projects and activities implementing a land and resource management plan prior to a decision by the Responsible Official. Second, this part establishes an appeal process and identifies the decisions that may be appealed, who may appeal those decisions, the responsibilities of the participants in an appeal, and the procedures that apply for the prompt disposition of the appeal.

(b) *Scope.* The notice of proposed actions and opportunity to comment provides an opportunity for the public to provide meaningful input prior to the decision on projects and activities implementing land and resource management plans. The rules of this part complement, but do not replace, numerous other opportunities to participate in and influence the agency's project and activity planning, such as those provided by the National Environmental Policy Act of 1969 (NEPA) implementing regulations and procedures at 40 CFR parts 1500-1508, the National Forest Management Act (NFMA) implementing regulations at part 219, and the pertinent requirements at part 216 regarding notice and comment for certain Forest Service Manual (FSM) directives. The appeal process is available to those who submit substantive comments during the comment period. Appeal disposition constitutes the final administrative determination of the United States Department of Agriculture. Throughout this part, references to decisions which affect an authorized use or occupancy of National Forest System lands and meet all other applicable requirements of this part, are subject to appeal by the holders of such authorizations under either this part or part 251, subpart C, but not under both parts. In addition, certain other parties meeting requirements of § 251.86 may also be eligible to appeal projects under either this part or part 251, subpart C, but not under both parts.

#### **§ 215.2 Definitions.**

*Address*—An individual's or organization's current physical mailing address. An e-mail address is insufficient for identification.

*Appeal*—The written document filed with an Appeal Deciding Officer by someone seeking review of a decision.

*Appeal Deciding Officer*—The Secretary of Agriculture (USDA) or the USDA or Forest Service designee having the delegated authority and responsibility to render a decision on an appeal filed under this part. The Appeal Deciding Officer is the next higher-level supervisor of the Responsible Official.